

REMARKS

Claims 1, 3, 5 – 7, 20 – 23, 26, 27, and 31 – 34 are pending in the present application. Applicants note with appreciation the Office Action's indication that claims 1, 3, 5-7, 20-23, 27, and 32-34 are allowed. Applicants further note with appreciation the Office Action's indication that claims 32 and 33 comprise allowable subject matter.

Claims 26 and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,690,321, to Hirschman, hereinafter "Hirschman," in view of United States Patent No. 3,830,237, to Bernardin et al., hereinafter "Bernardin," in further view of United States Patent No. 5,417,224, to Petrus et al., hereinafter "Petrus." Applicants respectfully traverse this rejection. Claim 26 is independent.

Independent claim 26 recites a method of deodorizing a vaginal area. The method comprises applying to the vaginal area a multi-layered fibrous absorbent article having a malodor counteractant material. The malodor counteractant material is, *inter alia*, incorporated in the multi-layered fibrous absorbent article between an inner layer and an outer layer.

Hirschman is directed to a catamenial device including a tampon for insertion into the vaginal canal. (Abstract) The device includes a tampon portion 11, and a pad portion 12 that extends transversely to an axis of the tampon portion 11. The tampon portion 11 has grooves 14 formed into an end 13 thereof, so that the grooves 14 may carry fluids such as a deodorant. (col. 2, l. 22-39)

The Office Action interprets grooves 14 of Hirschman as the claimed inner layer, and either tampon portion 11 or pad portion 12 as the claimed outer layer. However, Hirschman does not support such an interpretation. The tampon 10 of Hirschman is made of an absorbent material such as cellulose wadding, which is "rolled and molded

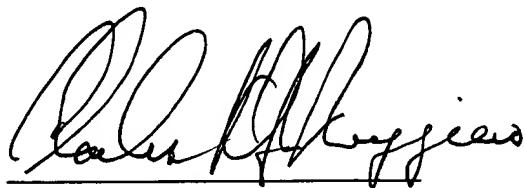
to the desired T shaped configuration." (col. 2, l. 26-29) Grooves 14 are "formed" in this cellulose wadding, and do not constitute a layer. By contrast, the present specification states that the articles of the present disclosure, such as tampons, may have a number of fibrous layers, (i.e. separate layers of material) such as the claimed inner and outer layer (p. 22, l. 20-22). Therefore, there are no inner and outer layers in tampon 10 of Hirschman, as required in the absorbent article of claim 26. Bernardin and Petrus fail to cure this deficiency of Hirschman, and are not relied on by the Office Action to do so. Claim 26 is therefore patentable over the cited combination of Hirschman, Bernardin, and Petrus, as is claim 31, which depends therefrom.

In addition, dependent claim 31 has been amended to clarify that the inner layer along with the outer layer forms a cross-pad configuration. As discussed in the Amendment Following a Request for Continued Examination submitted by Applicants on April 3, 2009, the Examiner and Applicants' representatives agreed during the telephone interview on March 31, 2009 that this feature is not disclosed or suggested by any of the references of record, alone or in combination. This is further support of the patentability of claim 31.

Applicants respectfully submit that the rejection of claims 26 and 31 under 35 U.S.C. §103(a) as being unpatentable over Hirschman in view of Bernardin, in further view of Petrus, has been overcome, and respectfully request that it be withdrawn.

In view of the foregoing, Applicants submit that all claims present in this application patentably distinguish over each reference and the cited combination of references. Accordingly, Applicants respectfully request that this application be passed to allowance.

Respectfully submitted,



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